UNITED STATES PATENT AND TRADEMARK OFFICE

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09/713,479	11/15/2000	William Romine	QSOFT.050A	3574

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KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		LE, DEBBIE M

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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PTOL-90A (Rev. 04/07)

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09713479	11/15/00	ROMINE ET AL.	QSOFT.050A

	EXAMINER
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2040 MAIN STREET	

	ART UNIT	PAPER
FOURTEENTH FLOOR IRVINE, CA 92614	2168	20090610

DATE MAILED:

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Commissioner for Patents

Examiner would like to inform Appellants that the Amendment After Final filed on May 9, 2006 has been entered. The claim 38 has been cancelled accordingly to the communication in the response received on May 9, 2006.

As the result, Examiner's Answer mailed out on July 26, 2006 has been vacated and a new Examiner's Answer including a correct "Status of claim amendment" rejection (without claim 38) hereby re-mail and forward to the Board of Patent Appeals and Interferences.

/DEBBIE M LE/
Primary Examiner, Art Unit 2168
June 10, 2009

PTO-90C (Rev.04-03)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/713,479
Filing Date: November 15, 2000
Appellant(s): ROMINE ET AL.

_____
John R. King
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 9, 2006 appealing from the Office action

mailed December 19, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,519,613	Friske	2-2003
6,499,033	Vagnozzi	12-2002

6,122,640   Pereira   9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-7, 9-11, 19-23, 30, 32-36, 40 and 49 are rejected under 35 U.S.C.

103(a) as being unpatentable over Friske in view of Vagnozzi.

Claims 2, 8, 21, 24, 25, 37, 41 and 49 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Friske in view of Vagnozzi, and further in view of Pereira.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1, 3-7, 9-11, 19-23, 30, 32-36, 40, and 49 are rejected under 35 U.S.C.

103(a) as being unpatentable over Friske et al (US Patent 6,519,613 B1) in view of

Vagnozzi (US Patent 6,499,033 B1).

As per claims1, Friske discloses a system for reorganizing a database while

allowing substantially uninterrupted access to the database comprising:

reorganizing data (*data set subject to reorganization*) of an original table (fig. 3, #

302, *from the logical database 302*) by copying (*unloaded*) the data to a reorganized

table (fig. 3, # 310, *shadow location*) (col. 6, lines 5-11, 25-33);

during the copying, allowing modifications to the data of the original table while

collecting records of the modifications (*substantially continuous access to the database*

while the reorganization process is executing, col. 1, lines 31-32, col. 3, lines 29-30);

when the copying completes, applying the modifications from the collected

records (fig. 3, # 312, log records) against the reorganized table (shadow location) (col.

6, lines 33-36);

applying a lock to the original table (as non-blocking drain to lock on an original

database or a lock on a source, see col. 2, lines 35-35, col. 3, lines 6-8),

applying any remaining modifications from the collected records against the

reorganized table (col. 6, lines 37-39);

applying a lock to the reorganized table (as the reorganization lock is in place,

see abstract, last 3 lines);

substituting the reorganized table for the original table (fig. 4, # 422, col. 6, lines

42-43, col. 9, lines 13-15); and

removing the second trigger lock, wherein additional more-restrictive locks to the

original table are not needed during the method of reorganizing the original table,

thereby providing clients of the original table continuous access to the data during the

reorganization through at least the other operations allowed by the first trigger lock (fig.

4, # 426, col. 9, lines 16-19).

Friske does not explicitly teach applying a first partial lock, the first lock blocking

select data modification operations against the original table while allowing other

operations against the original table; applying a second partial lock, the second lock

blocking select data modification operations against the reorganized table while allowing

other operations against the reorganized table during the reorganization such that the

reorganization table remain, the reorganized table remains accessible while substituting

the reorganized table for the original table.

However, Vagnozzi teaches the database must be locked against update during

certain portion of the retrieval operation...The database is locked with a shared-lock

(reader lock) only during execution of the query process. This allows any number of

other retrieval operations on the table to process concurrently, while temporary locking

out update operations (col. 15, lines 22-38) are equivalent to the claimed language

"applying a partial lock, select data modification operations while allowing other

operations". Vagnozzi teaches the database must be locked against update during

certain portion of the retrieval operation, this allows any number of other retrieval

operations on the table to process concurrently while temporary locking out update

operations are equivalent to the claimed language "table remains accessible while

substituting the reorganized table for the original table". Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine

the teachings of the cited references to provide a partial lock to a database and/or table

while allowing other operations against the database and/or table during the

reorganization such that the reorganization table remain, the reorganized table remains

accessible while substituting the reorganized table for the original table would allow

users of Friske's system to reduce locking overhead and increase concurrency during

database operations requiring access (e.g., query processing), as suggested by

Vagnozzi (col. 15, lines 35-38).

As per claim 3, Vagnozzi teaches wherein the other operations allowed by at

least one of the first and second partial locks comprises one or more read-only

operations (col. 15, lines 25-26).

As per claim 4, Friske teaches during the application of the modifications from

the collected records (fig. 3, # 312) against (a arrow) the reorganized table (fig. 3 #

310), allowing additional modifications to the data of the original table while collecting

additional records of the additional modifications (*reflecting changes which occurred to

the original data set after the target data set was unloaded*, col. 6, lines 33-35); and

when the modifications and at least portions of the additional modifications have

been applied against the reorganized table, applying the first partial lock to the original

table (col. 2, lines 33-45);

wherein the step of applying any remaining modifications includes applying any

remaining modifications or additional modifications against the reorganized table (col. 6,

lines 36-39).

As per claims 5, Vagnozzi teaches wherein when the original table included one

or more relational constraints, the method further comprises applying at least one of the

one or more relational constraints to the reorganized table (Fig. 4)

As per claim 6, Friske teaches wherein the application of the at least one

relational constraint to the reorganized table includes applying a trigger procedure to the

reorganized table (Fig. 4).

As per claim 7, Friske teaches wherein the application of the at least one

relational constraint to the reorganized table includes applying a partial lock to another

table (Fig. 4)

As per claim 9, Frishe teaches archiving the original table (as applying log

records to the original table, see Fig. 3, # 312, #302).

As per claim 10, Friske teaches wherein the copying of the data of the original

table to the reorganized table further comprises creating an original synchronization

point, after which the records of modifications are collected (as synchronization points,

Fig. 5, col. 7, line 13, col. 8, lines 23-52).

As per claim 11, Friske teaches wherein before the application of the second partial lock, the original table and the reorganized table are in synchronization with one another (col. 3, lines 43-45).

As per claim 19, Friske teaches a method for reorganizing an object in a database, the method comprising:

reorganizing an original object (*data set subject to reorganization from the logical database 302*) by copying data from the original object to a reorganized object (unloading and loading into a shadow location) (see Fig. 3, col, 6, lines 5-11, 25-33);

applying a lock to the original object (as the reorganization lock is in place, see abstract, last 3 lines*)*, the lock blocking data modification operations from modifying the original object while allowing other operations to access the original object, wherein additional more restrictive locks to the original object are not needed during the method of reorganizing the original object, thereby providing clients of the original object continuous access to the data during the reorganization through at least the other operations allowed by the lock (see abstract, lines 11-13 that "*The non-blocking drain does not prevent other requests on the database from being processed while the reorganization lock is in place*", fig. 4 # 404).

Friske does not explicitly teach applying a partial lock to the original object. However, Vagnozzi teaches the database must be locked against update during certain portion of the retrieval operation...The database is locked with a shared-lock (reader lock) only during execution of the query process. This allows any number of other retrieval operations on the table to process concurrently, while temporary locking out

update operations (col. 15, lines 22-38) are equivalent to the claimed language

"applying a partial lock". Vagnozzi teaches the database must be locked against update

during certain portion of the retrieval operation, this allows any number of other retrieval

operations on the table to process concurrently while temporary locking out update

operations are equivalent to the claimed language "table remains accessible while

substituting the reorganized table for the original table". Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine

the teachings of the cited references to provide a partial lock to a database and/or table

while allowing other operations against the database and/or table during the

reorganization such that the reorganization table remain, the reorganized table remains

accessible while substituting the reorganized table for the original table would allow

users of Friske's system to reduce locking overhead and increase concurrency during

database operations requiring access (e.g., query processing), as suggested by

Vagnozzi (col. 15, lines 35-38).

As per claim 20, Vagnozzi teaches wherein the other operations include one or

more read-only operations (col. 15, lines 25-26).

As per claim 22, Friske teaches

reorganizing an original object (*data set subject to reorganization*) by copying

(*unloaded*) from the original object (fig. 3, # 302, *from the logical database 302*) to a

reorganized object (fig. 3, # 310, *shadow location*) (col. 6, lines 5-11, 25-33);

applying a lock to the reorganized table (as the reorganization lock is in place,

see abstract, last 3 lines).

Friske does not explicitly teach applying a partial lock, the partial lock blocking

data modification operations from modifying the reorganized object, while allowing other

operations to access the reorganized object, wherein the reorganized object remains

continuously accessible during reorganization. However, Vagnozzi teaches the

database must be locked against update during certain portion of the retrieval

operation...The database is locked with a shared-lock (reader lock) only during

execution of the query process. This allows any number of other retrieval operations on

the table to process concurrently, while temporary locking out update operations (col.

15, lines 22-38) are equivalent to the claimed language "applying a partial lock".

Vagnozzi teaches the database must be locked against update during certain portion of

the retrieval operation, this allows any number of other retrieval operations on the table

to process concurrently while temporary locking out update operations are equivalent to

the claimed language "table remains accessible while substituting the reorganized table

for the original table". Thus, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to combine the teachings of the cited references to

provide a partial lock to a database and/or table while allowing other operations against

the database and/or table during the reorganization such that the reorganization table

remain, the reorganized table remains accessible while substituting the reorganized

table for the original table would allow users of Friske's system to reduce locking

overhead and increase concurrency during database operations requiring access (e.g.,

query processing), as suggested by Vagnozzi (col. 15, lines 35-38).

As per claim 23, Vagnozzi teaches wherein the other operations include one or more read-only operations (col. 15, lines 25-26).

Claim 30 is rejected under the same rationale as stated in independent claim 1 arguments.

Claim 32 is rejected under the same rationale as stated in independent claim 19 arguments.

As per claim 33, Vagnozzi teaches wherein the other operations include one or more read-only operations (col. 15, lines 25-26).

Claim 35 is rejected under the same rationale as state in independent claim 22 arguments.

As per claim 36, Vagnozzi teaches wherein the other operations include one or more read-only operations (col. 15, lines 25-26).

Claim 40 is rejected under the same rationale as state in independent claim 22 arguments.

Claims 2, 8, 21, 24-25, 37, 41, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friske et al. (US Patent 6,519,613 B1) in view of Vagnozzi et al (US Patent 6,363,387 B1) and further in view of Pereira (US Patent 6,122,640).

As per claim 2, Friske and Vagnozzi do not explicitly wherein the other operations allowed by at least one of the first and second partial locks comprises one or more structural modification operations. However, Pereira teaches a lock a source

table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 21, Friske and Vagnozzi do not explicitly wherein the other operations include one or more structural modification operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 24, Friske and Vagnozzi do not explicitly wherein the other operations include one or more structural modification operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 25, Friske and Vagnozzi do not explicitly teach wherein the one or more structural modification operations include consecutive data definition language operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 34, Friske and Vagnozzi wherein the other operations include one or more structural modification operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 37, Friske and Vagnozzi do not explicitly wherein the other operations include one or more structural modification operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 41, Vagnozzi teaches the read only access to the data includes read-only (col. 15, lines 25-26). Friske and Vagnozzi do not explicitly wherein the read only access to the data includes read-only access during multiple data definition language operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure (DDL) modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 49, Vagnozzi teaches apply a partial lock, the partial lock blocking select data modification language operations while allowing one of one or more read-only operations (col. 15, lines 25-26). Friske and Vagnozzi do not explicitly teach blocking select data modification language operations while allowing one of one or more read-only operations and one or more data definition language operations. However, Pereira teaches a lock a source table (col. 7, lines 60-67) so that allows modification to the structure of the source being operated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a lock to a structure (DDL) modification operations because it improves speed of the reorganization process to recreate the database.

As per claim 8, Friske and Vagnozzi do not explicitly wherein the original table includes a table name, and wherein the step of substituting the reorganized table for the original table further comprises renaming the original table another name and naming

the reorganized table the table name. However, Pereira teaches wherein the original

table includes a table name, and wherein the step of substituting the reorganized table

for the original table further comprises renaming the original table another name and

naming the reorganized table the table name (col. 4, lines 30-32). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of the cited references to implement the step of renaming the

original table and naming the reorganized table to another name as disclosed by

Pereira's system. This would allow users of Firske's system and Vagnozzi's system

who currently have pending transactions to the source table, should be continued until

all users transaction are terminated.

(10) Response to Argument

I.) **The cited references disclose applying two partial locks during a
reorganization process.**

Appellant argues that references fail to teach applying a partial lock to an original

table and partial lock to a reorganized table since Vagnozzi, allegedly, merely teaches a

database is locked against updates during a retrieval operation, and that Vagnozzi,

allegedly, does not teach applying partial locks to a database tables during

reorganization. The examiner respectfully disagrees with appellant's arguments.

Appellant's claim 1 calls for the step of "applying a first partial lock to the original table,

the first partial lock blocking select data modification operation while allowing other

operation against the original table" and "applying a second partial lock to the

reorganized table, the second partial lock blocking select data modification operation

while allowing other operation against the original table". Pursuant to appellant's appeal

brief (page 5, lines 10-12), to define said partial lock to block one of the select data

modification operations (e.g., "insert", "update", or "delete" operations). Similarly,

Vagnozzi discloses a system to lock out an update operation while allowing any number

of other operations, such as retrieval operation, on the table to process concurrently

(col. 15, lines 26-29). The step of claimed invention blocking select data modification

operation while allowing other operation against the database table are hence very

analogous to Vagnozzi's teaching while the database must be locked against update

operation, but allowing any number of other retrieval operations on the table to process

concurrently. Although Vagnozzi teaches "permits fields to be added to the database

without having to reorganize the database" (col. 2, lines 63-64), but by the meant of

adding new fields to the database, it would be equivalent to the "reorganization" of the

database because the structured of database has been changed with newly added

fields.

In the event that the honorable Board of Appeals finds that Vagnozzi

inadequately discloses the claimed step of reorganized, the teachings of Friske should

remedy such deficiency. Friske discloses an analogous system to Vagnozzi's system

that the method to reorganize a database that does not prevent other processes from

accessing the database while the reorganization is in progress (column 3, lines 5-7).

Furthermore, Friske's invention discloses a lock is applied to an original table or on a

source (col. 3, lines 6-8, et seq), and a reorganized table also lock is in place (abstract,

last 3 lines, et seq), and Vagnozzi is directed to a system for locking out one of selected

data modification operation (e.g., an update operation) while allow any number of other

operations (e.g., a retrieval operation). Because the two references are concerned with

the solution to allow users continuing access to the database even a lock is applied to

the database table. Consequently, it would have been obvious to one of ordinary skill in

the art of data processing to modify Friske with Vagnozzi because it would allow users

of Friske's system to reduce locking overhead and increase concurrency during

database operations requiring access (e.g., query processing), as suggested by

Vagnozzi (col. 15, lines 35-38).

**II.)   The cited references teach keeping a reorganized table accessible while
substituting the reorganized table for an original table.**

        Appellant alleges that since Vagnozzi does not teach the reorganization,

therefore, Vagnozzi does not teach keeping a reorganized table accessible while

substituting the reorganized table for an original table. The examiner respectfully

disagrees with appellant's allegations. Examiner relies on Friske for teaching the

claimed limitation substituting the reorganized table for the original table (Fig. 4, element

422). As discussed in the preceding above, although Vagnozzi teaches "permits fields

to be added to the database without having to reorganize the database" (col. 2, lines 63-

64), but by the meant of adding new fields to the database, it would be equivalent to the

"reorganization" of the database because the structured of database has been changed

with newly added fields. Because the two references are concerned with the solution to

the problem of applying lock to the database, but still allowing users to continuous

access to the database. Alternatively, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Friske's teaching by utilizing the

lock out update operation against the database as taught by Vagnozzi to the

reorganized table of Friske's system, but still allow users of Friske's system continuing

access the reorganized table during the database substitution. Such, modification would

improve Friske's system to reduce locking overhead and increase concurrency

database requiring access operations.

**III.)   The Friske and Vagnozzi patents can be properly combined to yield the
claimed invention since they are analogous art.**

       1.)   Appellant argues that the combination of Friske and Vagnozzi is

impermissible hindsight, and that said combination is not suggested by the references.

In response to appellant's arguments that the examiner's conclusion of obviousness is

based upon improper hindsight, appellant is reminded that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning.

But, so long as it takes into account only knowledge which was within the level of

ordinary skill at the time the invention was made, and does not include knowledge

gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re*

McLaughlin, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this particular case, the

judgment on obviousness only takes into account an amount of knowledge, which was

within the level of the ordinary skilled artisan at the time the invention was made. That is

the claimed partial lock blocking select data modification operation while allowing other

operation against the database table is analogous to Vagnozzi's teaching while the

database must be locked against update operation (e.g., data modification), but allowing

any number of other retrieval operations on the table to process concurrently.

Consequently, the reconstruction of the claimed invention is properly derived from the

combination of the references.

     2.)   In response to appellant arguments that there is no suggestion to combine

the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine,* 837 F.2d 1701, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Firske is directed

method for applying lock to database table while provide substantially continuous

access to the database while the reorganization is in progress, and Vagnozzi is directed

method for applying lock to a database, this lock is blocked against an update

operation, but allowing any number of other retrieval operations on the table to process

concurrently. Because the two references are concerned with the solution to the

problem of applying lock to the database, but still allowing users to continuous access to

the database. Consequently, the ordinary skilled artisan, would have been motivation to combine the references since Vagnozzi's teaching would enable users of Friske's system to reduce locking overhead and increase concurrency during database operations requiring access, as suggested by Vagnozzi (col. 15, lines 35-38).

IV.)   Pereira combination with Friske and Vagnozzi teach every element of claims 2, 8, 21, 25, 37, 41 and 49.

1.)   Appellant alleges that Pereira reference does not teach applying a partial lock to a reorganized object during a reorganization process because Pereira patent's disclosed use of two locks on a single table does not allow for such continue access. As discussed in the preceding above, Friske and Vagnozzi are combined teaching the claimed limitation applying partial lock to reorganized table during a reorganized process. Accordingly, the combination of Friske, Vagnozzi and Pereira teaches every limitations of each rejected claim.

2.) Appellant alleges that Pereira does not teach keeping a reorganized table accessible while substituting the reorganized table for an original table. As discussed in the preceding above, Friske and Vagnozzi are combined teaching the claimed limitation the reorganized table remains continuously accessible during the database substitution. Thus, the combination of Friske, Vagnozzi and Pereira teaches every limitations of each rejected claim.

(11) Related Proceeding(s) Appendix

None

V.)   Conclusion

The references disclose the claimed partial lock, blocking select data modification to the original table and reorganized table while allowing other operations against said original and said reorganized table. Further, Friske and Vagnozzi are combined to teaching the claimed limitation the reorganized table remains continuously accessible during the database substitution. Additionally, Friske and Vagnozzi can be properly combined to yield the claimed invention since they are analogous art. In light of the forgoing arguments, the examiner respectfully requests the honorable Board of Appeals and Interferences to sustain the rejection.

Respectfully submitted,

/DEBBIE M LE/

Primary Examiner, Art Unit 2168

June 10, 2009

Conferees:

Tim Vo (SPE)

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SPE 2158